

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF MISSISSIPPI  
GREENVILLE DIVISION**

**EARNEST L. NELSON, JR.,**

**PLAINTIFF,**

**VS.**

**CIVIL ACTION NO. 4:03CV295-P-B**

**JO ANNE B. BARNHART,  
COMMISSIONER OF SOCIAL SECURITY,**

**DEFENDANT.**

**FINAL JUDGMENT**

This matter comes before the court upon the U.S. Magistrate Judge's Report and Recommendation regarding the plaintiff's request pursuant to Section 405(g) of the Social Security Act to review the final decision of the Commissioner of Social Security in denying the plaintiff's claims for Social Security Disability Income Benefits under Title II and Supplemental Security Income benefits under Title XVI [17-1]. Upon due consideration of the Report and Recommendation, the court finds as follows, to-wit:

The Report and Recommendation was entered on January 20, 2006. The plaintiff had ten days from that date to file any objections thereto. On January 30, 2006, the plaintiff filed an objection, the entirety of which reads: "I wish to object and appeal the proposed findings, conclusions, and recommendations contained in the report dated the 20<sup>th</sup> January 2006 of case number 4:03CV-295-p-b between the plaintiff, Earnest L. Nelson, Jr. and the defendant, Jo Ann B. Barnhart, the Commissioner of Social Security. I am Earnest L. Nelson, Jr. and my signature is below." Although the plaintiff objected, the use of the words "I wish to object and appeal the proposed findings," without explanation, is not enough to invalidate the Report and Recommendation.

Having considered the Report and Recommendation of the U.S. Magistrate Judge, the undersigned adopts the findings of same and concludes that the plaintiff's request to overturn the Commissioner's decision with regard to the plaintiff should be denied.

**IT IS THEREFORE ORDERED AND ADJUDGED** that:

- (1) The U.S. Magistrate Judge's Report and Recommendation [17-1] is adopted and incorporated herein as the ruling of the court;
- (2) The plaintiff's claims are **DISMISSED WITH PREJUDICE**; and
- (3) This case is closed.

**SO ORDERED** this the 1<sup>st</sup> day of March, A.D., 2006.

/s/ W. Allen Pepper, Jr. \_\_\_\_\_  
W. ALLEN PEPPER, JR.  
UNITED STATES DISTRICT JUDGE